

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re: MELVIN M. BOYKINS
PHENICE E. BOYKINS,

CASE NO. 20-34626-KRH

Debtors,

CHAPTER 7

VIRGINIA HOUSING DEVELOPMENT AUTHORITY,

Movant,

vs.

MELVIN M. BOYKINS
and
PHENICE E. BOYKINS
and
BRUCE E. ROBINSON, TRUSTEE,

Respondents.

**MOTION FOR RELIEF FROM STAY
AND NOTICE OF MOTION AND HEARING**

The motion of the Movant, VIRGINIA HOUSING DEVELOPMENT AUTHORITY, by counsel, respectfully represents as follows:

1. That Movant is a political subdivision of the State of Virginia.
2. That on November 19, 2020, Debtors filed in this Court a Petition under Chapter 7 of the United States Bankruptcy Code, whereupon an Order for Relief was entered.
3. That BRUCE E. ROBINSON is appointed Chapter 7 Trustee.

James A. Evans (VSB #04441)
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4. That the Court has jurisdiction over this contested matter pursuant to 11 U.S.C. § 362(d) and (e), and this action is a core proceeding within the meaning of 28 U.S.C. § 157.

5. That at the time of the filing of the Petition in Bankruptcy herein and now, Debtors owned or held an interest in the following property (hereinafter the “Property”):

All that lot, piece or parcel of land, with the improvements thereon and the appurtenances thereto belonging, lying and being in the City of Richmond, Virginia, shown and designated as Lot 21, Block B, Ellis Woods, on subdivision plat of Ellis Woods, Section B, prepared by Bodie, Taylor and Puryear, Inc., dated June 7, 1990, and recorded June 12, 1990, in the Clerk’s Office of the Circuit Court of the City of Richmond, Virginia, in Plat Book 41, Pages 11 and 12, to which plat reference is made for a more particular description.

This Property is commonly known as 5925 Derrymore Court, Richmond, Virginia 23225.

6. That Movant is the holder of a certain negotiable Note which is secured by a certain Deed of Trust recorded in the Clerk’s Office of the Circuit Court of the City of Richmond, Virginia, as Instrument Number 050014049, as modified by Loan Modification Agreement recorded as Instrument No. 160015540, encumbering the Property, executed by Debtors, and which Note has an outstanding principal balance of \$109,213.11 as of the date hereof.

7. That the mortgage loan account is past due for the regular monthly loan payment due March 1, 2020, and all thereafter.

8. That cause exists for terminating the stay, including the failure of Debtors to make payments to Movant and the failure to provide Movant with adequate protection of its interest in the Property.

9. That Movant is being injured by its inability to proceed against the Property securing the indebtedness due to the automatic stay provided for in 11 U.S.C. § 362.

WHEREFORE, VIRGINIA HOUSING DEVELOPMENT AUTHORITY moves that the automatic stay provided for by the provisions of Title 11 of the United States Bankruptcy Code be modified in conformance therewith, that the appeal period provided for by Rule 4001(a)(3) be waived, and that it be granted such other and further relief as this Court shall deem proper.

DATED at Virginia Beach, Virginia, this 18th day of December, 2020.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

By /s/ James A. Evans
Of Counsel

James A. Evans (VSB #04441)
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****NOTICE OF MOTION AND HEARING****

The Movant, Virginia Housing Development Authority, has filed papers with the court for relief from the automatic stay provided for by the provisions of Title 11 of the United States Bankruptcy Code.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought in this motion, or if you want the Court to consider your views on the motion, then on or before **January 1, 2021**, you or your attorney must:

- ☐ File with the court a written response, an answer, explaining your position at:

**Clerk of Court, United States Bankruptcy Court
701 East Broad Street, Suite 4000
Richmond, Virginia 23219**

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also send a copy to:

**James A. Evans, Esq.
Counsel for Movant
EVANS & BRYANT, PLC
2101 Parks Avenue, Suite 301
Virginia Beach, Virginia 23451-4183**

☐ Attend the hearing on the motion scheduled to be held on **February 3, 2021, at 11:00 a.m.** at the **United States Bankruptcy Court, 701 East Broad Street, Judge Huennekens's Courtroom, Courtroom 5000, Richmond, Virginia 23219.***

***Please be advised that in accordance with Richmond General Order 20-5, the hearing will be conducted by video conference via Zoom for Government unless otherwise ordered by the Court. Instructions for pre-registering to obtain a link for appearances are available on the Court's website (vaeb.uscourts.gov).**

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: December 18, 2020

/s/ James A. Evans
James A. Evans (VSB#04441)

PROOF OF SERVICE:

I hereby certify that on the 18th day of December, 2020, a true copy of the foregoing Motion for Relief from Stay and Notice of Motion and Hearing was mailed by electronic means or first class United States mail, postage fully prepaid, to each party required to receive notice under Local Bankruptcy Rule 4001(a)-1(E)(1) as follows:

Debtors:

Melvin M. Boykins
5925 Derrymore Court
Richmond, Virginia 23225

Phenice E. Boykins
5925 Derrymore Court
Richmond, Virginia 23225

Counsel for Debtor:

Pia J. North, Esq.
VIA ECF

Trustee:

Bruce E. Robinson
VIA ECF

/s/ James A. Evans
James A. Evans (VSB #04441)

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